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FM SECSTATE WASHDC
TO USMISSION UNVIE VIENNA IMMEDIATE

C O N F I D E N T I A L STATE 042285

SIPDIS

UNVIE FOR E.SANDBERG

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TAGS: [MTCRE](#) [PARM](#) [MNUC](#) [KSCA](#) [TSPA](#) [ETTC](#) [AORC](#)

SUBJECT: HAGUE CODE OF CONDUCT AGAINST BALLISTIC MISSILE
PROLIFERATION (HCOC): GUIDANCE FOR THE APRIL 23, 2008
INFORMAL MEETING (C)

REF: SANDBERG-DURHAM E MAILS OF 02-13-08 AND 04-17-08

Classified By: ISN DAS Donald A. Mahley.
Reasons: 1.4 (B), (D).

11. (U) This is an action request. Mission please see paragraph 3.

12. (C) Guidance for use by the UNVIE Rep to the April 23, 2008 "Informal Meeting on the HCOC" is provided in paragraph 3.

13. (C) BEGIN GUIDANCE:

The U.S. understands that the Hague Code of Conduct Against Ballistic Missile Proliferation (HCOC) "Informal" meeting being hosted by the current HCOC Chair (Bosnia) and the HCOC Immediate Central Contact (ICC, Austria) in Vienna on April 23, 2008 will not take any decisions and will not preclude or pre-empt any discussion during the HCOC Annual Meeting scheduled for May 29-30, 2008. As necessary and appropriate, UNVIE Rep should reiterate this understanding. UNVIE Rep also should seek guidance from Washington on any issues raised at the meeting that are not specifically addressed below.

1A. (C) Outreach Activities

(BACKGROUND: We expect the current HCOC Chair to provide a preliminary report on his outreach activities since June 12007. Other HCOC States may also report on their HCOC-related outreach activities. The U.S. supports and encourages such a dialogue. Since the 2007 annual meeting, the U.S. has demarched over 30 countries to urge them to subscribe. Bahrain has expressed interest and indicated it is actively considering subscription. END BACKGROUND.) (C)

UNVIE REP SHOULD:

--Report that the U.S. has approached more than 30 countries to urge them to subscribe to the HCOC. (U)

--Advise that Bahrain has expressed interest and indicated it is actively considering subscription. (SBU)

--Encourage other HCOC countries to follow-up with Bahrain. (SBU)

1B. (C) Annual Declarations (ADs)

(BACKGROUND: The deadline for submission of HCOC Annual Declarations on national space and ballistic missile policies for 2007 was March 31, 2008. We would expect the Immediate Central Contact (ICC) to provide a status report on submissions and to remind those who have not already done so to submit their ADs as soon as possible. The U.S. submitted its AD for 2007 on March 26, 2008. We also have approached more than 50 HCOC countries since January 2008 to remind them

to submit their ADs. END BACKGROUND.) (C)

AS NECESSARY AND APPROPRIATE, UNVIE REP SHOULD:

--Report the date the U.S. submitted its Annual Declaration for 2006. (U)

--Urge HCOC countries that have not already done so to submit their ADs before the HCOC annual meeting. (C)

1C. (C) Prelaunch Notifications (PLNS)

(BACKGROUND: In becoming an HCOC Subscribing State, the U.S. voluntarily assumed a political commitment to provide PLNs on its ballistic missile and space-launch vehicle launches (SLVs) and test flights, including such information as the generic class of the ballistic missile/SLV, the planned launch notification window, the launch area, and the planned direction. At the same time, however, in a speech by then-Under Secretary Bolton at the HCOC launching ceremony, the U.S. made clear that it did not intend to notify certain space and ballistic missile launches (for national security reasons). We also explained that we intended to provide PLNs via the mechanism of the U.S.-Russian Pre-Launch Notification System (PLNS) Memorandum of Understanding (MOU) signed in 2000, which would be multilateralized after U.S.-Russian implementation to permit all HCOC members to exchange PLNs. However, since subscribing to the HCOC, we have not been able to implement the PLNs MOU with Russia. As a result, the U.S. has yet to

provide any PLNs under the HCOC. We continue to hope that our bilateral arrangement can be implemented, which would in turn facilitate the provision of PLNs under the HCOC. (C)

Until 2004, Russia maintained a common position with the U.S. to delay HCOC notifications until implementation of the U.S.-Russia PLNS mechanism. In 2004, Russia changed course and began transmitting HCOC PLNs via fax. (France, Japan, Norway, Sweden, Ukraine, and the United Kingdom also have been submitting HCOC PLNs via fax.) In January 2008, Russia announced that it would cease providing PLNs, initially for one year, because an insufficient number of countries (the U.S.) were submitting PLNs. (Other factors mentioned by Russia in announcing its PLN suspension include the low rate of submission by Subscribing States of their Annual Declarations, and the refusal by Subscribing States to seriously discuss several Russia proposals to "enhance" the HCOC (i.e., to water down the HCOC to make it more palatable to Iran).) (C)

Our view continues to be that we want to provide HCOC PLNs using the mechanism envisioned in the U.S.-Russia arrangement, and hope that the issues which have been holding up implementation of the PLNs MOU can be resolved. END BACKGROUND.) (C)

AS NECESSARY, UNVIE REP SHOULD:

--Note that as we have discussed many times, the U.S. also fully intends to submit pre-launch notifications once the U.S. and Russia make operational their bilateral pre-launch notification system. (U)

--Reiterate that we have hoped for several years to be able to provide HCOC PLNs via the system envisioned in the U.S.-Russian PLNS MOU. We continue to hope that our bilateral arrangement can be implemented soon, which would in turn facilitate the provision of PLNs under the HCOC. (U)

--Explain that we hope that the issues which have been holding up implementation of the PLNs MOU can be resolved soon, which will facilitate the provision of PLNs under the HCOC. (U)

1D. (C) Cascade Approach to PLNS

(BACKGROUND: Canada has in the past proposed "cascade criteria" for PLNs to help determine which country should submit a PLN. The U.S. views Canada's proposal as a useful tool for Subscribing States to draw on, but does not think there is a need for a common approach to deciding which country should submit a PLN. There has been no consensus on the Canadian proposal within the HCOC to date. END BACKGROUND.) (C)

IF RAISED, UNVIE REP SHOULD:

--Indicate that the U.S. position has not changed since the 2006 HCOC annual meeting. (SBU)

--Not object to including this item on the agenda for the 2008 HCOC Annual Meeting. (SBU)

1E. (C) General Discussion of Missile Issues

(BACKGROUND: At the November 2004 HCOC Annual Meeting, the HCOC agreed that Subscribing States should be encouraged to use Opening Statements at future Annual Meetings to discuss the nature of the missile proliferation threat, its significance for HCOC Subscribing States, and ways Subscribing States can address that threat. The U.S. continues to encourage and support this approach. END BACKGROUND) (C)

AS NECESSARY AND APPROPRIATE, UNVIE REP SHOULD:

--Note U.S. support for using Opening Statements to discuss the nature of the missile proliferation threat, its significance for HCOC Subscribing States, and ways Subscribing States can address that threat. (C/REL HCOC)

--Encourage other countries as they prepare for the HCOC annual meeting to make such statements, noting that this kind of exchange will make the meeting more useful for participating countries. (C/REL HCOC)

--Make clear that the U.S. would not support a separate agenda item for a "general discussion of missile issues." (C/REL HCOC)

1F. (C) Proposed Amendments to the HCOC

(BACKGROUND: Since November of 2004, Russia has been advocating three amendments (which it calls "improvements") to the HCOC "in order to facilitate subscription of nonparticipating states" (i.e., China, India, Iran, North Korea, Pakistan). The first of these proposals is to make the submission of PLNs and Annual Declarations voluntary. The second would require Subscribing States to abstain from using ballistic missiles or space based weapons against other Subscribing States that have decided to forego ballistic missile or space launch programs. The third would have Subscribing States provide on a voluntary basis economic stimuli, including satellite launches on a preferential basis and participation in peaceful space exploration programs, to Subscribing States that decide to forego their ballistic missile and space launch vehicle programs. The U.S. believes it would be inappropriate to amend the HCOC for the sole purpose of attracting more members. Rather, amendments to the HCOC should be made on their merits and because they would enhance the HCOC's missile nonproliferation efforts - which these specific amendments do not. Beyond that, we see no need at this time to amend the HCOC. END BACKGROUND.) (C)

IF RAISED, THE UNVIE REP SHOULD:

--Note that this issue should be discussed at the Annual Meeting. (SBU)

--Explain that we appreciate Russia's intentions in proposing amendments that might appeal to countries that have not subscribed to the HCOC. (U)

--Make clear that, as our experts have discussed many times, amendments to the HCOC should be adopted based on their merits and because they would enhance the HCOC's missile nonproliferation objectives. (U)

¶G. (C) UNGA Resolution

(BACKGROUND: At the 2007 HCOC Annual Meeting there was no agreement to submit an HCOC resolution for the UN First Committee. We would expect this issue to be revisited at the 2008 HCOC Annual Meeting. The U.S. would have no objections to pursuing an HCOC resolution in the UN First Committee in ¶2008. However, if HCOC countries are interested in pursuing such a resolution, we would encourage the HCOC chair to circulate a proposed draft text well in advance of the Annual Meeting. Additionally, the U.S. would expect HCOC countries to follow the procedures for tabling and amending an HCOC resolution agreed on at the June 2004 HCOC meeting. Specifically, once the HCOC countries have an internally agreed text, the number of co-sponsors for the resolution must be equal to a majority of the UNGA. If this is achieved, the resolution will be tabled. Any changes to the agreed draft resolution will require the approval of all HCOC Subscribers. END BACKGROUND.) (C)

IF RAISED, UNVIE REP SHOULD:

--Encourage the HCOC Chair to circulate a proposed text for an HCOC resolution well in advance of the 2008 HCOC Annual Meeting. (SBU)

--Make clear that, if there is a decision to pursue an HCOC resolution in 2008, the U.S. would expect HCOC countries to follow the procedures for tabling and amending an HCOC resolution agreed on at the June 2004 HCOC meeting. (The number of co-sponsors for the resolution must be equal to a majority of the UNGA. If this is achieved, the resolution will be tabled. Any changes to the agreed draft resolution will require the approval of all HCOC Subscribers.) (C/REL HCOC)

¶H. (SBU) Agenda for 2008 HCOC Annual Meeting

UNVIE REP SHOULD:

--Encourage the ICC/HCOC Chair to circulate a proposed agenda for the 2008 Annual Meeting as soon as possible. (SBU)

--Note that this will facilitate all delegations' planning and preparation, as well as fruitful and productive dialogue during the annual meeting. (SBU)

END GUIDANCE.

¶4. (U) Please slug any reporting on this or other HCOC issues for ISN/MTR. A word version of this cable will be posted at www.state.sgov.gov/demarche.
RICE

NNNN

End Cable Text